

Amendment under 37 C.F.R. § 1.114(c)
U.S. Application No. 10/042,381

REMARKS

Claims 1-17 have been examined. Claims 1-4 and 17 have been rejected under 35 U.S.C. § 102(b), and claims 1 and have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 5-16 contain allowable subject matter.

Preliminary Matters

On page 4 of the Office Action, the Examiner maintains that if the rejection under 35 U.S.C. § 112, second paragraph is overcome, claims 5-16 contain allowable subject matter. However, there is no rejection under 35 U.S.C. § 112, second paragraph, set forth in the current Office Action.

Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 6,612,100 to Morimoto et al. ("Morimoto")

The Examiner has rejected claims 1-4 and 17 under 35 U.S.C. § 102(b) as allegedly being anticipated by Morimoto.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a cutting/stacking means for forming sheets by cutting a continuous sheet at a regular length, and for stacking only the sheets in a predetermined number directly on a pallet.

The Examiner maintains that elements 104, 400A, 400B, 106A and 106B disclose the claimed cutting/stacking means. As set forth previously by the Applicant, such features fail to

teach or suggest the claimed cutting/stacking means. For example, “only” the individual sheets are stacked by the cutting/stacking means and said stacked sheets are stacked directly on a pallet. As set forth in Morimoto, the film supply apparatus 100 cuts a film roll 36 into films F (i.e., alleged sheets) (col. 8, lines 20-22). The films F are then supplied to the pack producing apparatus 400A, 400B, via the upper and lower film feed lines 106A and 106B, where the pack producing apparatus 400A, 400B stacks the plurality of films F on a protective cover 12 (col. 8, lines 42-45). Accordingly, the combination of the film cutter 104, film feed lines 106A and 106B and the pack producing apparatus 400A, 400B, stacks the films F and the protective cover 12 together, and does not just stack “only” the films F “directly” on a pallet, as recited in claim 1. Accordingly, Applicant submits that the elements 104, 106A, 106B, 400A and 400B fail to teach or suggest the claimed cutting/stacking means.

The Examiner also alleges that the slide table 440 discloses the claimed pallet. However, as shown in Figure 14 of Morimoto, the films F are placed on the second slide table via the protective cover 12. Since claim 1 recites that the sheets are stacked “directly” on the pallet, Applicant submits that the second slide table 440 does not constitute the claimed pallet due to the protective cover 12.

Further, the Examiner maintains that element 500 of Morimoto discloses the claimed covered sheet stack producing means (page 2 of Office Action). However, element 500 is a “pack inverting apparatus.” The apparatus 500 merely “inverts or turns the pack 26 upside down” (col. 8, lines 45-46). The apparatus 500 does not fold a protective cover around at least a

portion of stacked sheets, nor does the apparatus 500 temporarily bend at least one end portion of a protective cover, as recited in claim 1.

In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2 and 17

Since claims 2 and 17 are dependent upon claim 1, Applicant submits that claims 2 and 17 are patentable at least by virtue of their dependency.

C. Claim 3

Applicant submits that claim 3 is patentable over the cited reference. For example, claim 1 recites a cutting/stacking means for forming sheets by cutting a continuous sheet at a regular length, and for stacking only the sheets in a predetermined number directly on a pallet.

The Examiner maintains that elements 104, 400A, 400B, 106A and 106B disclose the claimed cutting/stacking means. However, as set forth above, such features fail to teach or suggest the claimed cutting/stacking means. For example, “only” the individual sheets are stacked by the cutting/stacking means and said stacked sheets are stacked directly on a pallet. As set forth in Morimoto, the film supply apparatus 100 cuts a film roll 36 into films F (i.e., alleged sheets) (col. 8, lines 20-22). The films F are then supplied to the pack producing apparatus 400A, 400B, via the upper and lower film feed lines 106A and 106B, where the pack producing apparatus 400A, 400B stacks the plurality of films F on a protective cover 12 (col. 8, lines 42-45). Accordingly, the combination of the film cutter 104, film feed lines 106A and 106B and the

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pack producing apparatus 400A, 400B, stacks the films F and the protective cover 12 together, and does not just stack “only” the films F “directly” on a pallet, as recited in claim 1.

Accordingly, Applicant submits that the elements 104, 106A, 106B, 400A and 400B fail to teach or suggest the claimed cutting/stacking means.

Further, the Examiner alleges that the slide table 440 discloses the claimed pallet. However, as shown in Figure 14 of Morimoto, the films F are placed on the second slide table via the protective cover 12. Since claim 1 recites that the sheets are stacked “directly” on the pallet, Applicant submits that the second slide table 440 does not constitute the claimed pallet due to the protective cover 12.

At least based on the foregoing, Applicant submits that claim 3 is patentable over the cited reference.

D. Claim 4

Since claim 4 is dependent upon claim 3, Applicant submits that claim 4 is patentable at least by virtue of its dependency.

Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 4,939,888 to Katz et al. (“Katz”) and U.S. Patent No. 5,878,554 to Loree et al. (“Loree”)

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Katz in view of Loree.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites a covered sheet stack producing means for placing a protective cover on the stacked sheets.

The Examiner contends that the cartoner 52 of Loree discloses the claimed covered sheet stack producing means. In Loree, the boxes, which receive the stacks 60, are formed at the station 56 after pre-breaking. The boxes are placed down into recesses or buckets 58 (col. 4, lines 30-36). The stacks 60 are then placed into the boxes which are positioned in the buckets 58 (col. 4, lines 40-51). In this case, since an individual sheet in the stack can easily move, the sheets are not well arranged in the stack and the edge of the sheet may have been bent. On the contrary, claim 1 recites that the protective cover is placed “on” the stacked sheets, rather than the reverse situation of placing the stacked sheets on the alleged protective cover (i.e., the boxes), as set forth in Loree.

Since Katz fails to cure this deficient teaching of Loree, Applicant submits that claim 1 is patentable over the cited references.

B. Claim 2

Since claim 2 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

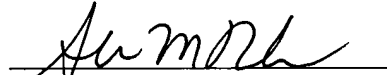
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Respectfully submitted,



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